

EXHIBIT A

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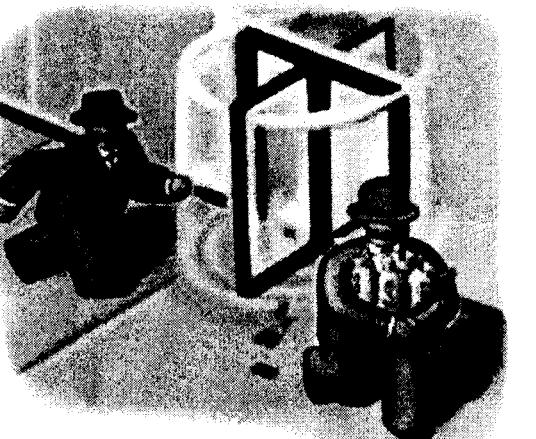
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RECEIVERSHIP

NEWS

TOOLS FOR JUDGMENT CREDITORS

Post-Judgment Receiverships Enhance the Collection Process



BY BRYAN D. SAMPSON, ESQ.*

An often overlooked use for a receivership is after a judgment has been entered. California has several statutes which allow the appointment of a post-judgment receiver to aid in the collection process. For example, a post-judgment receiver may be appointed to:

1. Carry a judgment into effect;¹
2. Dispose of property according to a judgment or to preserve it pending appeal;²
3. Obtain the fair and orderly satisfaction of a judgment;³
4. Foreclose on a judgment debtor's interest in an alcohol beverage license;⁴
5. Aid in the enforcement of a family court's order;⁵
6. Enforce a judgment for the possession or sale of property;⁶
7. Enforce a judgment against a franchise interest;⁷
8. Enforce a judgment against a judgment debtor's partnership interest;⁸
9. Preserve the value of property levied upon;⁹ and
10. Aid in the enforcement of a limited civil case.¹⁰

To create and maintain a post-judgment receivership the applicant and the receiver follow the same rules and procedures as for a pre-judgment receivership with respect to the nomination process, posting of a bond, preparing an initial inventory, making monthly reports, preparing and filing fee applications, bringing applications for representation by counsel and preparing a final account. A post-judgment receiver may be appointed by noticed motion or by ex parte application, with subsequent confirmation hearing on an order to show cause from the court.¹¹

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Federal Tax Liens and the Receiver

By CHAPIN T. REED, ESQ.*

(This is Part One of a two- part series on handling Federal Tax Liens in a Receivership.)

It is not uncommon that a receiver will be appointed over real and/or personal property assets of a taxpayer against whom a Notice of Federal Tax Lien has been filed. What are the rights/priorities of that tax lien against the interests of a receivership estate and other parties who may claim an interest? The sobering answer that the tax liability may remain a lien on the property even if it is conveyed by the receiver, may become a

lien against the receivership estate, or worst of all worlds, may become a lien against the receiver personally, if the lien is not properly handled. The careful receiver will take the time to identify and properly handle federal tax liens to avoid such consequences.

CREATION AND NOTICE OF A TAX LIEN

A Federal Tax Lien is created automati-

cally when (1) an assessment has been made against a taxpayer for unpaid taxes, (2) the taxpayer has been given a notice of demand for payment of that assessed tax liability, and (3) the taxpayer has failed to pay the tax liability. Internal Revenue Code sec. 6321. [Unless otherwise stated, all code references are to the Internal Revenue Code, Title 26 U.S. Code.] Recordation is not required for

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